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SUBJECT: SRI LANKA: THE SEVENTH ANNUAL ANTI-TRAFFICKING IN PERSONS
(TIP) REPORT

REF: STATE 202745

(U) This message is sensitive but unclassified -- please
handle accordingly.

¶11. (U) Mission's submission for the seventh annual Anti-Trafficking in Persons (TIP) Report for Sri Lanka follows. Responses are keyed to questions in Reftel. Mission point of contact is poloff Anamika Chakravorty, telephone +94-11-249-8822, fax +94-11-249-8820.

Paragraph 27: Sri Lanka Overview

¶12. (SBU) A -- Sri Lanka is a country of transit, a source country, and a destination country for a small number of internationally trafficked men, women and children. Women and children of Sri Lanka are trafficked internally for domestic labor and sexual exploitation. The trafficking takes place in government controlled areas as well as in areas controlled by the Liberation Tigers of Tamil Eelam (LTTE), a designated Foreign Terrorist Organization under U.S. law. The LTTE conscripted children, both through recruitment and abductions, for purposes of forced labor and military activities. According to a 2006 UN report, the government has not taken adequate efforts to control the anti-LTTE Karuna faction's recruitment of children into its paramilitary.

A cont'd -- Reports also indicate that women from Thailand, China, Russia and countries of the Newly Independent States are trafficked into Sri Lanka for commercial sexual exploitation. A fair number of Sri Lankan women are trafficked to the Middle East countries and a smaller number to Singapore, Hong Kong and South Korea for hard domestic labor and sexual exploitation. Children are trafficked internally. There are no reliable statistics available on the magnitude of this issue. The sources of information on trafficking in persons can be obtained from the National Child Protection Authority (NCPA), the Child Protection Unit of the Attorney General's Department, Sri Lankan Police, local and international NGOs, and the press. The NCPA provides fairly reliable statistics on

cases involving children.

B -- According to government and NGO sources, trends in trafficking did not change from the last reporting period. Despite a law passed in April 2006 to criminalize trafficking in persons, there were no reliable statistics on the crime of trafficking as disaggregated from human smuggling, illegal immigration, prostitution, procurement, or kidnapping. However, there remains political will throughout the government, including at high levels, to combat trafficking in persons. The government provided human resources to the Anti-Human Smuggling Investigation Bureau that was established in 2003. The Ministry of Foreign Affairs continued to assign Welfare Officers to Sri Lanka Missions abroad to aid and assist women who are victims of trafficking.

B cont'd -- Victims subjected to trafficking came from poor, rural communities, with minimal educational opportunities. Internally Displaced Persons and war widows remained especially vulnerable. Some women who came to cities seeking garment industry work were trafficked into commercial sex work, and some women seeking employment as domestics overseas were taken under false promises and forced into slave labor conditions or commercial sex work. Although the Bureau of Foreign Employment has a mandate to vet recruitment agents, sub-agents are not vetted. Reports indicated some sub-agents acted unscrupulously, recruiting women from villages under false pretenses. The women, often illiterate, were unaware of the parameters of the contracts they signed, and many times their travel documents were confiscated when they arrived at their place of employment. However, of the estimated 1 million Sri Lankan women who obtain foreign employment, statistics indicate only 5 to 10 percent encounter problems, including issues unrelated to trafficking per se.

C -- The government lacked resources to provide proper training to law enforcement officials or adequate compensation or support for trafficking victims. Law enforcement officials addressed the end results of trafficking such as commercial sex work or child labor. However, trafficking itself was rarely investigated, perhaps due to police unawareness of the degree of the problem, exacerbated by limited resources.

D -- The Child Protection Unit of AG's Dept and the NCPA, supported by the Woman and Child Care unit of the Sri Lanka Police, conduct surveys on trafficking issues but currently no reliable surveys on trafficking in Sri Lanka are available. Also, the government does not have separate statistics on human smuggling, abductions, and trafficking, making it difficult for NGOs to gain access to accurate data.

Paragraph 28: Prevention

13. (SBU) A -- The government in Sri Lanka acknowledges that trafficking is a problem in the country. However, NGO representatives noted that the government does not usually use existing anti-trafficking legislation to prosecute cases. Rather, perpetrators are brought up on charges of abduction or procurement. While the government maintains its commitment to address trafficking in persons issues, the GSL devotes much more of its resources to two related issues-- human smuggling and domestic violence-- which it considers more severe.

B -- The government agencies involved in anti-trafficking efforts are: the Department of Immigration and Emigration, the Ministry of Foreign Affairs, the Ministry of Employment and Labor, the Attorney General's Office, the Ministry of Justice, Sri Lankan Police, Sri Lankan Customs, National Child Protection Authority.

C -- In 2006, the Foreign Employment Bureau instituted a program requiring private foreign employment agencies to submit deposits of bonds to register the companies. The deposits may be used to assist any migrant worker stranded overseas due to trafficking or other migration emergency circumstances. The agency will lose its deposit if it is proven responsible for a trafficking incident. Also in the last year, the Foreign Employment Bureau signed Memoranda of Understanding with Jordan, Malaysia, and South Korea, to limit incidences of Sri Lankans being trafficked to these countries and to cooperate on the issue. The Government of Sri Lanka is preparing to

sign an MoU with Dubai in 2007.

C cont'd -- In October 2006, the Tourist Board of Sri Lanka partnered with UNICEF to launch a National Action Plan Project to eradicate child sex tourism in Sri Lanka. The Ministry of Tourism, UNICEF, Hoteliers' Association, Airlines, the Police, Department of Immigration and Emigration, and authorities of sea and air ports participated in drawing up this National Action Plan. In addition, the Child Protection Unit of the Attorney General's Department conducted awareness programs among law enforcement authorities, schools and other civil society organizations. They extended their services to UNICEF and provided resources to train senior police officers to handle investigations with greater effectiveness. The NCPCA, as part of its overall efforts to address child welfare, includes child trafficking as part of its educational campaigns.

D -- While the government of Sri Lanka does not actively support corollary programs to combat trafficking, it does, with the limited resources available, support prevention programs, usually in partnership with NGOs. The International Organization for Migration (IOM) conducts information campaigns and workshops, and employs a

threefold strategy to combat trafficking in persons: prevention, protection and assistance to victims and capacity building. The American Solidarity Center and International Labor Organization operate in Sri Lanka and make information on trafficking readily available, and several local NGOs provide assistance to victims as

part of their larger outreach efforts to women who have suffered domestic or physical abuse.

E -- The officials of international NGOs, indigenous community-based organizations working to combat trafficking, and officials of government agencies involved in anti-trafficking efforts maintain a positive working relationship.

F -- IOM is working with the Department of Immigration and Emigration to institute a computerized database that will permit to government to monitor migration trends and identify potential victims of trafficking. The government has welcomed IOM's assistance and is making efforts to institutionalize the new system.

Also, when the Department of Immigration and Emigration next prints Disembarkation Cards, a new clause will be included stating "Sri Lanka has a Zero Tolerance policy towards child abuse."

The Sri Lankan government makes every effort to adequately monitor its borders, but remains unable to monitor activities in areas controlled by the LTTE in the north and east.

G -- There is no coordinating mechanism or group to specifically address trafficking in persons. While there is an "anti-trafficking working group," NGO representatives asserted that the body primarily addresses human smuggling and illegal immigration rather than trafficking. The government has a Commission to Investigate Allegations of Bribery or Corruption.

H -- The government of Sri Lanka does not have a national plan of action to address trafficking in persons.

Paragraph 29: Investigations and Prosecution
Of Traffickers

¶4. (SBU) A -- Section 360C of the Penal Code, amended by Act No. 22 of 1995, criminalizes trafficking in persons, defined as the buying or selling or bartering of a person for money or other consideration, and also engaging in certain acts for the purpose of promoting, facilitating or inducing the buying or selling or bartering or the placement in adoption of any person for money or any other consideration. Under Section 360A of the Penal Code, internal and transnational forms of prostitution are also criminalized. Additionally, Section 45A(1) of the Immigrants and Emigrants Act addresses human smuggling offenses. The IOM provided the Attorney General's office with legal consultation, and in January 2006, the office introduced legislation to further bolster Sri Lanka's penal code in accordance with UN guidelines on trafficking. In April 2006, the government enacted a law specifically criminalizing all forms of trafficking in persons. The

April 2006 law fully addresses trafficking, including for the purpose of removing organs.

B -- Trafficking for sexual exploitation is punishable by imprisonment between 2 and 20 years, with fines ranging from approximately USD 100 to 500. The amendment to the penal code covering trafficking, written in collaboration with IOM and enacted in April, calls for labor exploitation to be punishable by 2 to 10 years' imprisonment.

C -- A law implemented in 2006 establishes the punishment for debt bondage, serfdom, forced or compulsory labor, or slavery as imprisonment for a term not exceeding twenty years and a monetary fine. When children are the victims of such crimes or are recruited for involvement in armed conflict, the punishment is imprisonment for a term not exceeding thirty years and a monetary fine. A 2006 amendment to the penal code also states that a creditor cannot require manual labor in exchange for debt repayment.

D -- For sexual assault, imprisonment ranges between 7 and 20 years, plus potential monetary compensation to the victim. These penalties are similar to those for trafficking.

E -- In Sri Lanka, prostitution is not legalized and the activities of prostitutes are criminalized. The activities of related parties, such as brothel owners, pimps, clients, and enforcers, are also criminalized.

F -- The government investigated and arrested people for trafficking-related cases during the past year, including issues of migrant smuggling, pedophilia and prostitution. The Women and Children's Bureau of the Police reported that it is prosecuting the owners of two bars in which trafficking victims were engaged in commercial sex work under the April 2006 anti-trafficking regulations. The police said these prosecutions would serve as "test cases" to highlight the new law and learn the degree of its efficacy. The cases remain pending.

G -- Anecdotal accounts from police and NGOs revealed that individuals and small groups were behind trafficking efforts, but no reliable information on the issue exists. In cases of illegal migration, evidence suggests that some travel agencies may be involved with traffickers. There are no reports of profits of trafficking being channeled for other purposes other than personal gain.

H -- Notwithstanding its limited resources, the government actively investigates cases of trafficking and, by implementing a computerized immigration system that enables agencies to input names of suspected traffickers, the government takes initiative to track down suspected trafficking agents. The CyberWatch Project that monitors internet sites and chat rooms, instituted by the NCPA, has helped to arrest individuals on suspicion of trafficking.

I -- The government does not provide any centralized training in trafficking issues. Individually, police bureaus, such as the Anti-Human Smuggling Unit of the Criminal Investigation Department and the Women's and the Children's Bureau, along with the NCPA, conduct specialized training for their staff.

J -- The government of Sri Lanka cooperates with other governments in the investigation and/or prosecution of trafficking cases. On many occasions, the government has worked very closely with the Italian and Pakistani governments to combat human smuggling operations. In 2005, in cooperation with the American and the Australian governments, the NCPA prosecuted a U.S. national and an Australian national alleged to be pedophiles.

K -- The government has not extradited anyone charged with trafficking to other countries, as the situation has not occurred. The government would likely extradite any foreigner charged with such offenses, if requested by other governments. The government has extradition agreements with Commonwealth countries.

L -- There is no credible evidence of government involvement in, or tolerance of, trafficking in persons. Unsubstantiated reports allude to immigration officers in involvement of such cases.

M -- There has been insufficient evidence to arrest or otherwise prosecute government officials suspected of being involved in trafficking in persons.

N -- In 2004, the government arrested two foreign nationals, an American and an Australian, on charges of pedophilia. In 2005, a British citizen was charged with pedophilia. The American was deported to the U.S., and the other two remain in prison in Sri Lanka awaiting trial.

O -- The GSL ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in December 2004

-- The GSL ratified ILO Convention 105 in January 2003.

-- The GSL ratified ILO Convention 182 in February 12000.

-- The GSL ratified ILO Convention 29 in 1950.

-- The GSL has signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

-- The GSL has signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime.

Paragraph 30: Protection and Assistance to Victims

15. (SBU) A -- The government does not have enough resources, capacity and ability to assist victims of trafficking. There are rehabilitation camps and community centers which offer some medical and counseling services for victims of internal trafficking. In addition, some NGOs run shelters and rehabilitation facilities.

B -- The government does not provide funding or material support to foreign or domestic NGOs for services to victims. To child victims registered with the NGOs, the government provides a three USD/per month food supplement. Children who are victims are transferred to institutions such as the Salvation Army under the escort of the Ministry of Social Services' Department of Probation and Child Care Services.

C -- The government's law enforcement and social services personnel do not have a formal system in place to identify potential trafficking victims. NGOs occasionally receive reports of victims and offer assistance, and the government is cooperative in these cases.

D -- Women arrested on suspicion of being trafficked into Sri Lanka for the purpose of prostitution are sometimes released upon paying a fine. There are no reports of harassment of victims.

E -- The government encourages victims to assist in the investigation and prosecution of trafficking by providing information to arrest the traffickers. Sri Lankan victims can file Fundamental Rights cases and seek financial restitution. There are no restrictions on obtaining other employment or leaving the country if a victim is a witness in a case against a former employer. There is no victim restitution program.

F -- In connection with some Sri Lankan diplomatic missions, especially in Middle Eastern countries, the Sri Lankan government operates shelters for Sri Lankans who are victims of sexual or labor exploitation. The Bureau of Foreign Employment appoints labor attaches to Sri Lankan diplomatic missions abroad to address the concerns of migrant Sri Lankan workers, but limited resources sometimes lead to heavy caseloads and minimal assistance being provided. In early 2007 the Executive Secretary of the Ministry of Women's Empowerment and Child Protection traveled to several Middle Eastern Countries to visit Sri Lankan women in prisons and shelters there.

G -- The government does not provide any specialized training as such for its officials in trafficking issues. Individually, police bureaus, such as the Anti-Human Smuggling Unit of the Criminal Investigation Department and the Women's and the Children's Bureau,

along with the NCPA, conduct specialized training for their staff.

H -- For Sri Lankans who are victims of trafficking, either through sexual or labor exploitation, the government will provide some compensation to the victims who registered with the Sri Lankan Foreign Employment Bureau prior to departing.

I -- Save the Children Foundation, ESCAPE, Don Bosco, Salvation Army, ILO, IOM, American Solidarity Center, Women in Media

Collective, Women in Need, PEACE, Caritas, and a number of community- based organizations work with trafficking victims. The government works closely with these organizations to develop a relationship with local authorities, but it is the NGO that makes the initial effort.